



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,858	01/16/2004	Rhonda L. Childress	AUS920030941US1	6566
35525	7590	02/25/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER HO, ANDY	
			ART UNIT 2194	PAPER NUMBER
			NOTIFICATION DATE 02/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptnotifs@yeeiplaw.com

## Office Action Summary

**Application No.**

10/758,858

**Applicant(s)**

CHILDRESS ET AL.

**Examiner**

Andy Ho

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment filed 12/5/2007.
2. Claims 1-21 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The specification defines "computer readable medium" as including non-statutory media such as transmission-type media (Specification, lines 3-9 page 21) which incapable of being touched or perceived absent the statutory medium through which they are conveyed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacGregor U.S Publication No. 2005/0102382 in view of Johnson U.S Publication No. 2003/0050983.

**As to claim 1**, MacGregor teaches a method for translating system events for system management (Fig. 2), the method comprising:

receiving at a gateway in a network data processing system an event (receiving events from devices 61, 63 and 69 at 81, 83 and 89, Fig. 2) in a native event management form (management protocols of the network element, paragraph 0008 page 1);

translating the event into a new format (converts the management protocols of the network element into a single format, paragraph 0008 page 1); and

correlating the event in the new format (correlation of networks events, paragraph 0008 page 1) to determine whether a system management action should be performed (troubleshooting for the network element based on the events, paragraph 0023 page 2);

wherein the event is translated by the gateway into an event management system format (converts the management protocols of the network element into a single format, paragraph 0008 page 1) and the translated event is correlated at remote system management data processing systems (correlation of networks events, paragraph 0008 page 1) to determine whether system management events should be performed (troubleshooting for the network element based on the events, paragraph 0023 page 2).

MacGregor does not teach translate the event into a plurality of formats.

Johnson teaches a system of processing events wherein an event is being translated into a plurality of formats (Fig. 1 and associated specification). It would have been obvious at the time the invention was made to a person of ordinary skill in the art

to have modified MacGregor reference to include the teachings of Johnson reference because this allows the event to be received by different types of clients.

**As to claim 2**, MacGregor as modified further teaches the new format is a neutral event format (converts the management protocols of the network element into a single format, paragraph 0008 page 1).

**As to claim 3**, it is a method claim of claims 1-2. Therefore, it is rejected for the same reasons as claims 1-2 above.

**As to claim 4**, Johnson further teaches (Fig. 1 and associated specification) the event is translated to the plurality of event management system formats using a configuration file located at the gateway, wherein the gateway services a plurality of event-generating endpoints, and wherein the gateway comprises a plurality of plug-in modules that each provide a particular type of event format translation. Note the discussion of claim 1 above for the reason of combining references.

**As to claim 5**, MacGregor as modified further teaches the event is received from an endpoint (receiving events from devices 61, 63 and 69, Fig. 2).

**As to claim 6**, MacGregor as modified further teaches the endpoint is one of a server data processing system, a router...(server 63, router 69, Fig. 2).

**As to claim 7**, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. MacGregor further teaches the event is to be sent to a remote event management system (forwarding events to server 55, Fig. 2 and associated specification) and wherein the translating step comprises:

translating the event from the native event management form to a neutral form (converts the management protocols of the network element into a single format, paragraph 0008 page 1);

translating the event into a format (converts the management protocols of the network element into a single format, paragraph 0008 page 1) for use by the remote event management system (troubleshooting for the network element based on the events, paragraph 0023 page 2); and

forwarding the event to the remote event management system (forwarding events to server 55, Fig. 2 and associated specification).

MacGregor does not teach translating the event from the native event management form to a vendor neutral form. Johnson teaches (Fig. 1 and associated specification) translating an event from one form to a vendor-specific form. Note the discussion of claim 1 above for the reason of combining references.

**As to claim 8**, it is a method claim of claim 7. Therefore, it is rejected for the same reasons as claim 7 above.

**As to claim 9**, it is a system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. MacGregor further teaches a bus system and a communication unit (bus and communication components of Fig. 2). MacGregor further teaches a server that handle events (server 55, Fig. 2 and associated specification); however, MacGregor does not explicitly teach a memory and a processing unit. "Official Notice" is taken that both the concept and advantage of providing for a memory and a processing unit in a server is well known and expected in the art. It would have been

obvious to include a memory and a processing unit into the system of MacGregor because these components are required for a server to work properly as well known in the art.

**As to claims 10-16**, they are system claims of claims 1-7, respectively.

Therefore, they are rejected for the same reasons as claims 1-7 above.

**As to claims 17-21**, they are computer program product claims of claims 7 and 2-5, respectively. Therefore, they are rejected for the same reasons as claims 7 and 2-5 above.

### ***Response to Arguments***

5. Applicant's arguments filed 12/5/2007 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A

voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762



Application/Control Number: 10/758,858  
Art Unit: 2194

Page 8

A.H  
February 15, 2008

*Andy Ho*